

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

NELSON RAMOS-IRIZARRY,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

CIV. NO. 06-1871 (PG)

**ORDER**

Before the Court is Petitioner's "Motion for Certificate of Appealability". (Docket No. 16.)

Under the AEDPA, no appeal may be taken from a district court's ruling on a Section 2255 motion unless a district or circuit judge issues a Certificate of Appealability ("COA") based upon a "substantial showing" by the prisoner of "the denial of a constitutional right." 28 U.S.C. §2253(c). Moreover, an appealing petitioner must demonstrate that the issues raised supporting his request for a COA are "'debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are 'adequate to deserve encouragement to proceed further.'"' Barefoot v. Estelle, 463 U.S. 880, 883 n.4 (1983) (alteration in original) (quoting Gordon v. Willis, 516 F.Supp. 911, 913 (N.D.Ga. 1980) (quoting United States ex. rel. Jones v. Richmond, 245 F.2d 234 (2nd Cir. 1957))). "The necessity for a substantial showing extends independently to each and every issue raised by a habeas petitioner." Berthoff v. United States, 308 F.3d 124, 127-28 (1st Cir. 2002).

Here, Petitioner's arguments fail to comply with all of the elements that must be considered by a court before issuing a COA. Indeed, Petitioner fails to make a substantial showing that would comply with

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Barefoot and warrant the issuance of the COA. Accordingly, the Motion for a COA is **DENIED**.

**SO ORDERED.**

In San Juan, Puerto Rico, August 23, 2007.

s/JUAN M. PEREZ-GIMENEZ  
U. S. District Judge